

Serial No. 09/368,996
Att. Docket No. 2-604.2-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Barber, Timothy P.
Serial No.: 09/368,996
Filed: August 5, 1999

Title: Method for Billing for Services Delivered Over a
Computer Network

Group Art Unit: 2164
Examiner: Daniel Felton (although Summary Sheet still
indicates original examiner, S. Wasylchak)

STATEMENT FOR USE IN DISCUSSION IN TELEPHONE INTERVIEW
SCHEDULED FOR MARCH 25, 2003


via facsimile to 703-305-7687

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

What follows is a statement of what the applicant's
attorney will discuss with the Examiner in the telephone
interview scheduled for March 25, 2003, as 2:00PM.

I hereby certify that this correspondence is, on the
date shown below, being transmitted by facsimile to
the Patent and Trademark Office.


James A. Retter

Date: March 25, 2003

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STATEMENT

Applicant's attorney respectfully points out that the most recent office action uses the same combination of references as used in the first office action, namely Egendorf and Usui, applied in the same way as in the first office action to the elements of claim 1 as claim 1 existed at the time of the first office action. (Applicant has since added further limitations to claim 1.) The problem is that in the second office action, in which Examiner Daniel Felton was the Examiner, by not repeating the rejections made in the first office action, it is applicant's attorney's understanding that the assertions made in the first office action regarding Egendorf are conceded; in other words, it is applicant's attorney's understanding that the second office action conceded that Egendorf failed to teach "having the consumer exercise a link that will connect the consumer to the third party, with the third party as a provider." The second office action, instead of relying on Egendorf and Usui to reject the claims of the application, relied on Egendorf and Toader. Applicant's attorney's response to the second office action is believed to have overcome the rejections based on Egendorf and Toader, since those rejections are not maintained in the present, third Office action. However, in the third office action, the rejections based on Egendorf and Usui are reasserted. Thus, we have on the record what would ordinarily be taken as concessions from one or another of the Examiners that claim 1 is patentable over both Egendorf and Toader, as well as Egendorf and Usui. We respectfully request a clarification of the record so that we know how to respond to the most recent office action.

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Applicant's attorney notes that Examiner Vincent Millin called applicant's attorney on March 11, 2003, and indicated that he was planning to talk to the primary Examiner about the interpretation of the terminology "link". I called Examiner Millin on March 20, 2003, and indicated to him that according to the inventor, it would be acceptable to substitute the terminology "internet link" for the term "link" used in claim 1 and in any of the other claims. I expected to hear back from Examiner Millin, but have not heard back from Examiner Millin.

March 25, 2003
Date

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Respectfully submitted,


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